

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

Proposal to Remove Certain Non-U.S.-Licensed	)	DA 07-100
Satellites From the Exclusion List for Global	)	IB Docket No. 07-23
International Section 214 Authorization Purposes	)	

**REPLY COMMENTS OF INMARSAT VENTURES LIMITED**

Inmarsat Ventures Limited (“Inmarsat”) submits Reply Comments in response to the comments of Mobile Satellite Ventures Subsidiary LLC (“MSV”) in this proceeding.<sup>1</sup>

As both Inmarsat and MSV agree, adoption of the Commission’s proposal to remove from the Section 214 Exclusion List those non-U.S.-licensed satellites authorized to serve the United States would serve the public interest.<sup>2</sup> The Commission’s proposal would remove the duplicative requirement that all common carrier mobile satellite service (“MSS”) providers in the United States, communicating with non-U.S.-licensed spacecraft, obtain both (i) an earth station license pursuant to Title III; *and* (ii) a satellite-specific international Section 214 authorization pursuant to Title II. Instead, under this proposal, common carriers could rely on a “generic” facilities-based international Section 214 authorization, as well as a specific Title III authorization.

As Inmarsat explained in its Comments, the Commission’s procedures for authorizing non-U.S.-licensed satellites to serve the United States is sufficient to ensure ample public interest review, rendering the separate requirement for a satellite-specific Section 214

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<sup>1</sup> *International Bureau Invites Comment on a Proposal to Remove Certain Non-U.S.-Licensed Satellites From the Exclusion List for Global International Section 214 Authorization Purposes*, Public Notice, IB Docket No. 07-23, DA 07-100 (rel. Jan. 18, 2007).

<sup>2</sup> Comments of MSV at 1; Comments of Inmarsat at 1.

authorization redundant and unnecessary.<sup>3</sup> Moreover, removing the need to obtain a satellite-specific Section 214 authorization to provide service over non-U.S.-licensed spacecraft will serve the public interest by (i) removing unnecessary regulatory burdens, (ii) facilitating greater competition and consumer choice, (iii) conserving Commission resources, and (iv) speeding the provision of service to the public.<sup>4</sup>

MSV, however, proposes that the requirement for satellite-specific Section 214 authority should be retained with regard to any non-U.S.-licensed satellite (i) authorized to serve the United States pursuant to special temporary authority (“STA”), (ii) that replaces a satellite previously authorized by the Commission, or (iii) that was previously authorized by the Commission and moved to a new orbital location—in each case, unless and until the Commission makes a specific public interest determination.<sup>5</sup>

As an initial matter, MSV’s comments are little more than another vehicle to rehash a business dispute it has with Inmarsat, which has been fully briefed in many unrelated Commission proceedings. While Inmarsat disagrees with MSV’s characterization of the dispute between Inmarsat and MSV,<sup>6</sup> Inmarsat will not further address those issues here as they are not relevant to the merits of the Commission’s proposal.

MSV’s proposal to retain satellite-specific 214 authorizations in the situations described above would add complexities to the Commission’s proposed streamlined framework that are neither necessary nor appropriate. The Commission’s new proposed Section 214

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<sup>3</sup> Comments of Inmarsat at 1, 4.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> Comments of MSV at 1.

<sup>6</sup> *See, e.g.* Joint Letter from various licensees and Inmarsat to Marlene H. Dortch, FCC, Call Signs E010011 *et al.* (Jul. 6, 2006); Opposition of Inmarsat, File No. SES-MFS-20060118-00050, *et al.* (Mar. 16, 2006).

paradigm has an elegant simplicity: As long as the Commission has granted authority for a non-U.S.-licensed satellite to serve the United States, no separate, satellite-specific international Section 214 should be required. That framework should apply (i) regardless whether the “market access” authority is granted pursuant to STA, declaratory ruling, a “regular” earth station license, or any other means, and (ii) regardless whether the satellite at issue is a “replacement” or has been relocated. In each case, before the satellite at issue can actually serve the United States, the Commission will need to issue a Title III earth station authorization (or otherwise authorize “market access”), and that licensing proceeding will provide the Commission with a fulsome opportunity to consider all relevant factors (including the *DISCO II* showing, where appropriate) and impose any conditions that the Commission may deem necessary.<sup>7</sup> Indeed, MSV itself recognizes that a Title III authorization is required before service can be provided over any such satellite, irrespective of whether the required 214 authority is “generic” or satellite-specific.<sup>8</sup> That Title III authorization process provides the necessary opportunity for the Commission to address any potential issues with respect to providing service to or from the United States over a non-U.S.-licensed satellite.

Similarly, because Title III authority is required, no “prejudice” will result from allowing an entity to rely on a “generic” 214 authorization.<sup>9</sup> The Commission retains full authority with regard to an STA or “full” earth station authorization to deny, condition or modify the Title III authorization as appropriate. Moreover, there would be no “confusion,” as MSV

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<sup>7</sup> For example, in one case where all of the relevant information was not yet available, the FCC expressly deferred consideration of certain “market access” issues until a later date. *See Report and Order*, DA 98-2431 (Nov. 30, 1998) (deferring consideration of NewSkies privatization agreements that had not been fully negotiated).

<sup>8</sup> Comments of MSV at 7 n.19.

<sup>9</sup> *Cf. id.* at 10.

claims,<sup>10</sup> for a holder of a generic Section 214 authorization if the Commission initially determined to provide market access, but ultimately reversed that decision, for one simple reason: the holder of the generic Section 214 authorization would no longer be able to provide service if a valid earth station authorization did not remain in place. In sum, the Commission's Title III grant of authority will determine whether and on what conditions operations with any particular non-U.S. licensed satellite can be provided, rendering a separate, satellite-specific Section 214 authorization redundant and unnecessary.

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For the foregoing reasons, and the reasons set forth in Inmarsat's initial Comments, Inmarsat urges the Commission to remove from the Section 214 "Exclusion List" those non-U.S.-licensed satellites that the Commission has authorized to serve the United States, and to decline to adopt the complicating "exceptions" proposed by MSV.

Respectfully submitted,

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<sup>10</sup> *Id.* at 8-9.